

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06012, from R-2 Residential District and O-2 Suburban Office District to B-1 Local Business District, requested by Mark Hunzeker on behalf of B & J Partnership, Ltd., on property generally located on the block bounded by 9th, 10th, Hill and Van Dorn Streets.

STAFF RECOMMENDATION: Approval, subject to a conditional zoning agreement.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/15/06, 03/29/06 and 04/12/06
Administrative Action: 04/12/06

RECOMMENDATION: Approval, subject to a conditional zoning agreement, with amendments (8-0: Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Esseks and Carlson voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. The applicant had originally requested a change of zone to B-3 Commercial and O-2 Suburban Office, but discovered that there were going to be some setback difficulties for the site plan and revised the application for the entire site to B-1 Local Business.
2. The staff recommendation of approval, subject to a conditional zoning agreement, is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone is supported by the Comprehensive Plan as it will permit the redevelopment of the site. Considering the amount of passing traffic and its effects, this site is no longer ideally suited for residential uses and is more appropriately suited for commercial development.
3. This application was deferred an additional two weeks to give the applicant an opportunity to meet with the neighborhood associations (Irvingdale and South Salt Creek).
4. The applicant has agreed to a conditional zoning agreement which restricts the uses on Lots 1 and 2 to office uses only, and has also agreed to restrict uses on the entire site as set forth in the staff report and the list submitted by the applicant on April 12, 2006 (p.13).
5. The applicant's testimony is found on p.7-9. The additional use restrictions to which the applicant has agreed are set forth on p.13, and the commitment made to the neighborhood associations as to further meetings with the neighborhood on building design and landscaping is found on p.14.
6. There was no testimony in opposition; however, the records consists of one letter in opposition (p.20). The record also consists of two letters from representatives of the Irvingdale Neighborhood Association, not in direct opposition, but expressing their concerns if this change of zone is approved (p.17-19).
7. The Planning Commission raised concerns about pedestrian motion.
8. On April 12, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to a conditional zoning agreement as set forth in the staff report, with amendment to include the additional use restrictions as submitted by the applicant on April 12, 2006 (p.13).

FACTSHEET PREPARED BY: Jean L. Walker
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\2006\CZ.06012

DATE: April 17, 2006
DATE: April 17, 2006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 29, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06012

PROPOSAL: From R-2 Residential and O-2 Suburban Office to B-1 Local Business District.

LOCATION: On the block bounded by 9th, 10th, Hill, and Van Dorn Streets.

LAND AREA: Approximately 2 acres.

CONCLUSION: This change of zone is supported by the Comprehensive Plan as it will permit the redevelopment of the site. Considering the amount of passing traffic and its effects, this site is no longer ideally suited for residential uses and is more appropriately suited for commercial development.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

From R-2 Residential to B-1 Local Business District on Lots 1 through 4 and Lots 11 through 14 and the portion of the vacated north/south alley adjacent to Lot 4 and Lots 11 through 14 of Block 12, South Park Addition; and from O-2 Suburban Office to B-1 Local Business District on Lots 5 & 6 and the portion of the vacated north/south alley adjacent to Lots 5 and 6 of Block 12, South Park Addition, located in the SE 1/4 of Section 35-10-6, Lancaster County, Nebraska, generally located at S. 10th Street and Van Dorn Street.

EXISTING/PROPOSED ZONING:

<u>Existing</u>	<u>Proposed</u>	<u>Property</u>
R-2	B-1	Lots 1-4 and 11-14
O-2	B-1	Lots 5 & 6

EXISTING LAND USE:

Residential and vacant.

SURROUNDING LAND USE AND ZONING:

North:	R-2	Residential
South:	B-1	Van Dorn Street right of way
	P	Recreation/Park
East:	R-2	Residential
	R-7	Multi-family residential
West:	R-2	Residential

HISTORY:

1998 Street and Alley Vacation 98018 vacated 170 feet of the north/south alley beginning 150 feet south of Hill Street and the north 20 feet of Van Dorn Street (also known as Lot 10).

1979 Change of Zone 1718 to Lots 5 & 6 from R-2 Residential to O-2 Suburban Office approved.

At one time single-family homes existed across the entire site. Today, many of the homes have been demolished and only a few standing remain occupied. All properties vacant or otherwise are owned by the applicant.

COMPREHENSIVE PLAN SPECIFICATIONS:

Community Form - Guiding Principles for the Urban Environment

F-19 Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors.

Community Form - Guiding Principles for the Urban Environment

F-21 Transition of uses; less intense office uses near residential areas. F-21

Guiding Principles for Existing Neighborhoods

- F-69** 1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.
- F-69** 2. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
- F-69** 3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Guiding Principles for Commercial Centers

- F-42** Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.

The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/ convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. Citizens of the community have become increasingly concerned about "light pollution" and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

ANALYSIS:

1. Most of the site is currently vacant with few occupied dwelling units remaining.
2. The uses on Lots 1 and 2 should be restricted to office uses only as a transition from the commercial area proposed on the southern half of the site to the residential north of Hill Street and the lots west of the alley in the northwest corner of the block.
3. All remaining lots in the application are proposed to be zoned B-1 without a restriction of uses.

4. Two lots at the northwest corner of the block are not a part of this request and shall remain zoned R-2 with residential land use at this time. The applicants have indicated their plans to acquire these lots in the future.
5. The setback requirements of the B-1 district are a 20' front yard and a 30' rear yard or 20% of the depth, whichever is less. No side yard setback is required unless abutting a residential district at such instance a 10' setback is required.
6. Some uses permitted in the B-1 district are not appropriate in close proximity and small office buildings are considered a suitable buffer between residential and other commercial uses. Therefore, Lots 1 and 2 on this site, while zoned B-1 shall be restricted to office uses only.
7. A conditional zoning agreement should be used to restrict certain uses or to require specific design considerations to ensure that the development will meet the policies of the Comprehensive Plan. The applicant has signaled agreement with the following use restrictions:

Restricting Lots 1 and 2 to only those permitted in the O-2 district.

Prohibiting the use of self service, coin-operated car washes on the entire site.

8. Staff recommends that the following design controls should also be included in an agreement:
 - 8.1 All exterior lighting on the site should utilize full-cutoff fixtures.
 - 8.2 The applicant shall plant street trees along the streets of the boundary of the site in accordance with the requirements of the Department of Parks Department and Recreation.
 - 8.3 Access will be limited in accordance with that drawn on the submitted site plan, that the left turn lane on 10th Street should be a minimum of 250' in length, and the left turn lane on 9th Street should be built from the driveway to the site northward to Hill Street.
 - 8.4 Signs detached from any building should be limited to ground signs only.
9. This change of zone is supported because it will allow and encourage the redevelopment of the site. Under the current zoning only residential uses are permitted, however given the location residential is not ideal and is not a marketable use. For these reasons, commercial zoning would be more appropriate for this site.

Prepared by:
Joe Rexwinkle

Planner

DATE: March 16, 2006

APPLICANT: B&J Partnership, Ltd.
340 Victory Lane
Lincoln, NE 68528

OWNER: Same as above

CONTACT: Michael J. Tavlin
B&J Partnership, Ltd.
340 Victory Lane
Lincoln, NE 68528

CHANGE OF ZONE NO. 06012

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 15, 2006

Members present: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

Additional information submitted for the record: Joe Rexwinkle of Planning staff submitted a letter received from the applicant requesting a two-week deferral in order to advertise a revised application to zone the entire site as B-1, with restrictions to limit to office uses as a transition to the residential.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant, **B & J Partnership**. After reviewing all of the site plans with staff, it was discovered that they had overlooked some setback difficulties that get created when you start mixing B-3 and residential in the same block as well as O-2. The applicant has submitted a revised application; however, this revision does not change the intent nor the site plan very much.

Larson moved to defer two weeks, with continued public hearing and action scheduled for March 29, 2006, seconded by Strand and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

There was no other testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 29, 2006

Members present: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson.

Staff recommendation: Conditional approval.

Ex Parte Communications: None

The Clerk announced that the applicant and the Irvingdale Neighborhood Association have requested a two-week deferral.

Strand moved to defer two weeks, with continued public hearing and action scheduled for April 12, 2006, seconded by Larson and carried 9-0: Esseks, Taylor, Carroll, Larson, Krieser, Strand, Cornelius, Sunderman and Carlson voting 'yes'.

There was no public testimony.

Members present: Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Esseks and Carlson (Taylor absent).

Staff recommendation: Approval, subject to a conditional zoning agreement.

Ex Parte Communications: None.

Additional information submitted for the record: Joe Rexwinkle of Planning staff submitted three letters in opposition to the uses that would be allowed, the possible impacts on traffic and expansion of commercial uses into a residential area. The two letters from representatives of the Irvingdale Neighborhood Association do share some praise for the applicant in regard to the deferral and meeting with the neighbors last night.

Proponents

1. Mark Hunzeker appeared on behalf of **B&J Partnership**, the owner and applicant. This site is between 9th and 10th from Hill to Van Dorn, and since the time it was originally developed as residential, it has changed considerably. The lots along Van Dorn were zoned B-1 quite some time ago, with two lots to the north of those then zoned O-2. It has had commercial uses on the corner. The block is now largely vacant with a couple of remaining residential uses, and generally, the applicant agrees with the staff's analysis. The applicant also agrees that not all the uses permitted in B-1 are necessarily appropriate for this site, and that the northern part of the site ought to serve as a transition from commercial to residential. Therefore, the applicant has agreed to restrictive uses on the northern lots to uses that would be permitted in the O-2 district. The O-2 district was created specifically to replace what we used to call transitional lots, which were special permitted uses of an office type that were allowed next to commercial zoning like B-1, for the very purpose of providing a transition from commercial to residential uses. This application makes that transition by restricting the uses on the northern lots to the O-2 district uses.

Hunzeker advised that the applicant worked with Planning and Public Works to develop the site plan. Public Works did not want there to be direct access to either 9th or 10th Street. The applicant's original desire was to have a two-way access in and out on both 9th and 10th in order to keep the access points on the major arterials. Public Works would not allow that because of the general policy which restricts access to arterials and traffic on those streets is traveling too fast to facilitate easy transition and access. The applicant will construct a 200' left turn lane on 10th Street to access the site from Hill Street and access through what will be a vacated alley and widened to have two-way access off Hill Street. Going back out to 10th Street there will be a one-way drive that exits onto Hill Street back out to 10th Street. On 9th Street, there will be an access which will be a left turn in only, and it comes in at a very severe angle so that you cannot come back out and turn left onto 9th Street. The exit again will then be out to Hill Street, back to the stop sign and onto the one-way 9th Street. The applicant will extend a turn lane on 9th Street from Hill Street all the way down to Van Dorn to pick up where the existing turn lane is located.

The applicant is providing for setbacks on both 9th and 10th Streets between the property line and the parking lot to facilitate the required landscaping recently adopted. The applicant is also planning to create a berm in the excess right-of-way that exists along Van Dorn Street to provide a full screen for the parking and/or drive-thru aisle that runs along that side of the site.

On the Hill Street side, which is some concern to the two houses on the north side of Hill Street, there will be a 25' setback to the property line and another 17' from the property line to the curb, which will be landscaped, including probably some landscaping along one of the landowner's property. There is a heavy landscape screen along the south side of the house. That house will not be removed at this time. Over time, however, that residential property is likely to be incorporated into this site and the plan would be to then extend the restrictions on use to the additional lots in the future.

Hunzeker explained that the building is designed for multi-tenants, including a drive-thru coffee shop at the southeast corner of the site, exiting to the north. The site plan also provides for a drive-thru on the north side of the building for a potential sandwich shop- type tenant, although they do not have a tenant yet. That may not materialize. The roof lines have been varied to give the appearance of multiple structures. The signage will be very controlled. There will be no changeable copy signs. The only freestanding signs will be ground signs. They will use a mixture of brick and stone to break up the facade of the building, lending to the appearance of multiple structures.

Hunzeker also advised that the lighting will be of a cut-off type, using more poles, lower poles, and sharp cut-off fixtures. Hunzeker submitted a list of uses which will be prohibited and asked that the additional restrictions become part of the conditional zoning agreement, in addition to those uses listed in the staff report:

1. No automobile and vehicle sales, dealerships or lots.
2. No automobile and vehicle service stations and automobile body repair shops.
3. No tire stores and tire sales.
4. No convenience stores.
5. No gas pumps.
6. No self-service car wash.
7. No changeable copy or message center type signs. Free-standing signs shall be limited to ground signs only.
8. No lighting on north side of buildings abutting Hill Street. All exterior lighting shall utilize full cut-off fixtures.

The applicant met with the neighborhood last night and Hunzeker believes it was a very good meeting. He believes that Rexwinkle's characterization of the letters received from the neighborhood representatives was fair, but may have under-emphasized the positives in those letters. It is fair to say that given a magic wand and a wish to convert this property into anything, there would be a consensus amongst the neighborhood that this should be a park, but he believes that is unlikely. Generally speaking, the people who came to the meeting were very complimentary of the work the applicant has done on design, and if the property is to be commercial, the applicant has done a good job with the site and the building design.

Hunzeker also ensured that the applicant will meet with the neighbors again for their input on the final design of the buildings. The applicant has agreed to meet with the neighbors prior to any application for building permit. The applicant has also agreed to directly involve the neighbors in the final design of the landscaping of the site, especially along the Hill Street side. Hunzeker submitted a letter agreement which the applicant has sent to the neighborhood, committing to make those additional efforts prior to issuance of building permits.

Hunzeker further observed that this is a site which is hard to imagine would ever develop as residential. It has enough commercial zoning on it today where a piecemeal start could be made, but that is not the direction they want to go. The applicant would rather plan the entire site as opposed to piecemeal redevelopment of the site. There is heavy traffic on both 9th and 10th Streets and Van Dorn Street, and it is not going to go away. The types of tenants will not be those which attract trips from miles away. They are going to be small users who will live or die, survive or fail, on the traffic that exists on these streets today. Anytime you have a redevelopment project, the change that is involved involves some tradeoffs. Hunzeker believes that this represents a vast improvement over the site that exists today and that it is a good thing for this neighborhood and a good use for the property. Hunzeker requested that the Planning Commission recommend approval, adding the use restrictions as submitted today.

Carroll inquired whether the redesign of the Van Dorn intersection will affect this property. Hunzeker stated that it would not. That redesign does not affect the right-of-way here nor this site.

With the park across the street, Carlson inquired about the pedestrian traffic and how that will occur. Hunzeker understands that the pedestrian access along the south side of Van Dorn was not going to be there any longer, and that the access to the park would effectively be from the north side of Van Dorn coming across 10th Street and coming to a point at the southwest corner of this site and crossing Van Dorn at that point. He agreed that it is not going to be the most pedestrian-friendly access to a park in town. There is an underpass under Van Dorn, but it is not particularly desirable for pedestrian traffic.

Carlson inquired whether this application creates a safe and friendly way for people to walk in or does that encourage them to go across Van Dorn Street? Hunzeker was not sure. If you follow the sidewalk around, there is a site entry on Van Dorn, one on 10th Street, one on Hill Street and one on 9th Street, thus this proposal has attempted to facilitate those walkways as the design standards now require, and he believes this application has done a fairly decent job of that on all four sides of the site.

Sunderman inquired about the use at the lower left of the site plan. Hunzeker pointed to the small island on the map and stated that an ATM will be located there.

There was no testimony in opposition.

Staff Questions

Carlson also inquired of staff as to the pedestrian motion at the 9th and Van Dorn Streets intersection, from the park to the commercial area. Rexwinkle concurred that the current

sidewalk on the south side of Van Dorn may disappear with the redesign of the intersection. He explained the pedestrian movement on the map. He believes there are push-button pedestrian crossings at the intersection now.

Esseks inquired as to the Comprehensive Plan designation for this parcel. Rexwinkle stated that it is urban residential. Esseks wondered whether the Comprehensive Plan would need to be changed. Rexwinkle stated that the recommendation for approval is simply based upon the fact that this is such a small area of commercial use, and it is not realistic to expect some residential type of reinvestment at this intersection. Staff weighed that against the risk of leaving it vacant, which the staff believes would be more of a detriment to the neighborhood.

Cornelius commented that the walkways seem to pump the pedestrians into the oncoming traffic. Hunzeker agreed. That walkway should move south so that it lines up with the sidewalk that comes out westward from the west edge of the building. It might be possible to move one or two of the parking stalls to make that change.

ACTION BY PLANNING COMMISSION:

April 12, 2006

Larson moved approval, subject to a conditional zoning agreement, with amendment to include the additional use restrictions submitted by the applicant today, seconded by Strand.

Strand noted that the Commission has been looking at the changes on Hwy 2 and 9th and 10th Streets for the Long Range Transportation Plan and she believes it makes sense to look at changing the use of this land.

Larson agreed. Even though the site is designated urban residential, he does not believe there is going to be any residential development in that area.

Esseks commented that he is very impressed with the extent to which the applicant has work with the neighborhood association.

Motion for approval, subject to a conditional zoning agreement, as amended, carried 8-0: Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Esseks and Carlson voting 'yes'; Taylor absent.
This is a recommendation to the City Council.



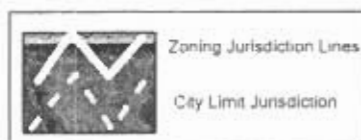
Change of Zone #06012 S 10th & Van Dorn Streets

2005 aerial
A St.

Zoning:

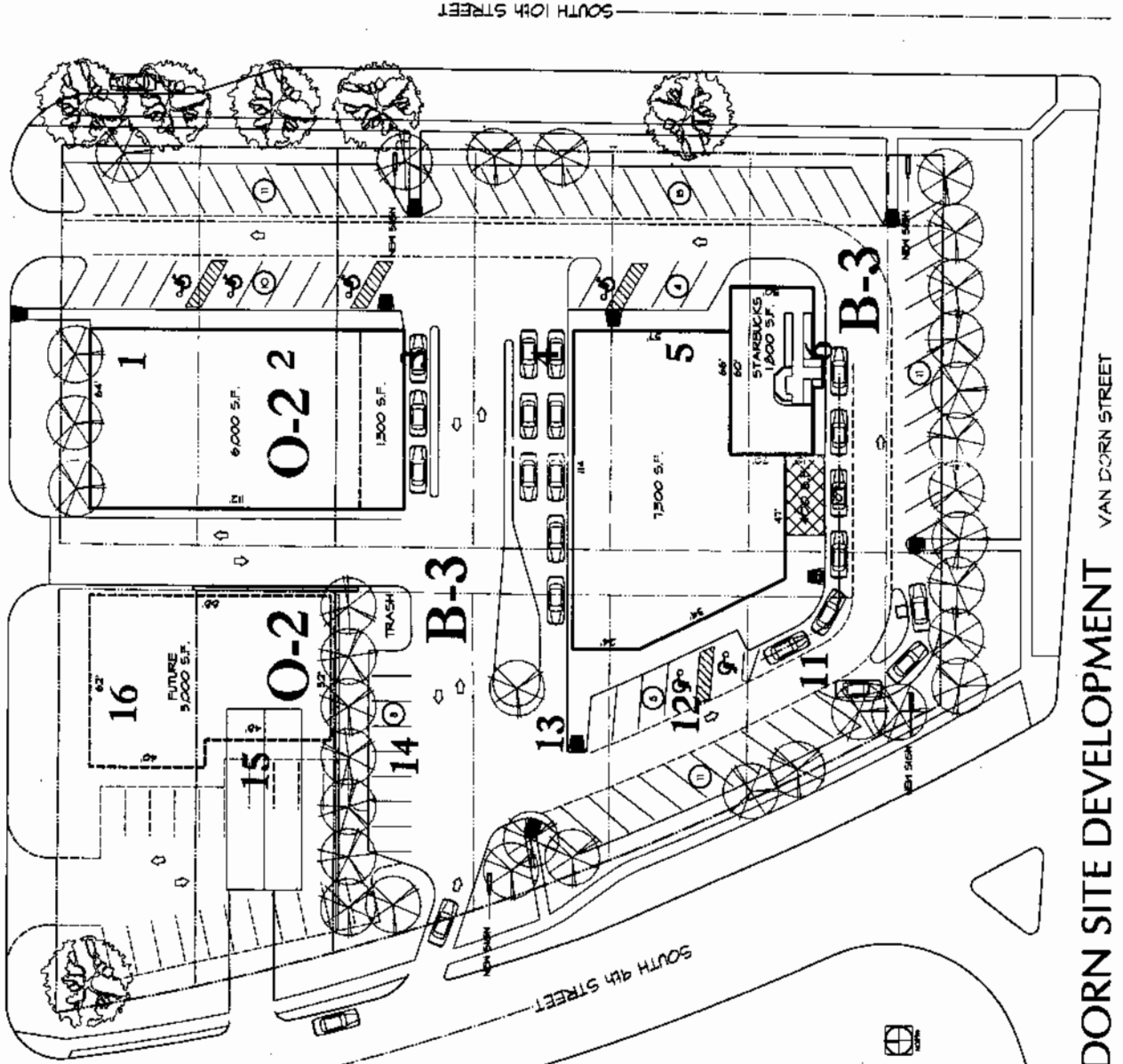
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 35 T10N R6E





Scale: 1" = 40'-0"
Date: 22 FEB 06
Project: 99020.nvd
Dwg: nvd09.dgn



SITE PLAN
SCALE 1" = 40'-0"

9th/10th & Van Dorn

Voluntary Restrictions on Uses

The developer has voluntarily agreed to the following restrictions on uses for the site:

1. NO automobile and vehicle sales, dealerships or lots.
2. NO automobile and vehicle service stations and automobile body repair shops.
3. NO tire stores and tire sales.
4. NO convenience stores.
5. NO gas pumps.
6. NO self-service car wash.
7. NO changeable copy or message center type signs. Free standing signs shall be limited to ground signs only.
8. NO lighting on North side of buildings abutting Hill Street. All exterior lighting shall utilize full cut-off- fixtures.

**B & J PARTNERSHIP, LTD.
P. O. Box 81906
LINCOLN, NE 68501
402.323.3100**

April 12, 2006

Ms. Alene Swinehart
1834 Ryons
Lincoln, NE 68502

Katie Fybou
Irvingdale Neighborhood Association
1744 Sewell
Lincoln, NE 68502

Danny Walker, Pres.
South Salt Creek Neighborhood Assn.
427 E Street
Lincoln, NE 68502

Re: Change of Zone No. 06012 / South 10th & Van Dorn Streets

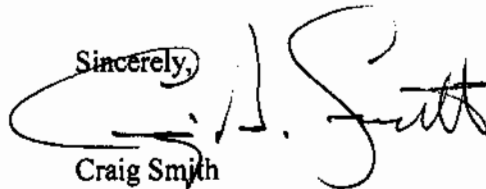
Dear Neighbors:

Pursuant to the discussion held at our meeting on Tuesday, April 11, 2006, this letter is to confirm that prior to application for building permits on this site, we will schedule another meeting with you to seek your input on the final building design for any structure on the site, any changes to the site plan, and the design and materials for the landscaping of the site. We recognize the special concern regarding landscaping along Hill Street and will specifically seek to meet with the neighbors along Hill Street with respect to the landscape design along that street.

In addition, we also confirm that we will amend the restrictions on uses of the site to exclude changable copy/message center type signs and agree that there will be no lighting on the Hill Street side of any building abutting Hill Street.

Thank you for taking the time to meet with us regarding this project. I thought the input we received was constructive and our discussion productive. We look forward to building a project which will enhance the neighborhood.

Sincerely,



Craig Smith
B & J Partnership

(G:\AP\5800-5899\5844.001 B & J Partnership--10th & Van Dorn Zoning Change\Swinehart 4-12-06 ltr.wpd)



Alene Swinehart
<swinehart@alltel.net>
03/28/2006 12:42 PM

To plan@lincoln.ne.gov
cc
bcc

Subject Proposed zoning change -- 10th and Van Dorn

Dear Commissioners,

As the Issues Chair for the Irvingdale Neighborhood Association I have tried to contact Speedway Partnerships concerning their proposed change of zone and their plans for their property at Van Dorn between 9th and 10th Streets. Since they have not responded to my request to meet with the Neighborhood Association I am asking the Planning Commission to delay the change of zone hearing until such time as Speedway and the neighborhood have had a chance to discuss the project. the INA board is willing to call a special meeting for this purpose.

Very briefly, our concerns are:

1. The traffic safety of putting commercial businesses in this location
2. The aesthetics of the area since it is one of Lincoln's "Entrance to the City" roadways.
3. The impact of the project on the surrounding residential area

The Association feels that a dialogue with both parties will be of benefit to both.

Thank you for your consideration in possibly delaying this action.



Jean L Walker/Notes
03/28/2006 03:21 PM

To mhunzeker@pierson-law.com
cc Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes,
Joseph C Rexwinkle/Notes@Notes
bcc Jean L Walker/Notes
Subject Re: Fw: Change of Zone No. 06012; 10th & Van Dom

Mark —

We will submit your request to the Planning Commission at the beginning of tomorrow's continued public hearing.

Thank you.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365
Joseph C Rexwinkle/Notes

----- Forwarded by Joseph C Rexwinkle/Notes on 03/28/2006 03:22 PM -----



"Mark Hunzeker"
<MHunzeker@Pierson-Law.com>
03/28/2006 03:13 PM

To <JRexwinkle@ci.lincoln.ne.us>
cc <swinehart@alltel.net>
Subject Change of Zone No. 06012; 10th & Van Dom

Joe:

We request that the Planning Commission defer this matter for two weeks.

We have had a request from the Irvingdale Neighborhood Association for a meeting to discuss the site plan and proposed uses. We have responded to that request and expect to have a meeting scheduled shortly.

Thank you for your cooperation.

Mark



Alene Swinehart
<swinehart@alltel.net>
04/12/2006 10:06 AM

To plan@lincoln.ne.gov
cc
bcc
Subject 9th and 10th at Van Dorn

To the members of the commission:

I hope you will consider my comments in this form since I cannot attend the hearing due to illness.

Irvingdale Neighborhood was very pleased that the Speedway development folks agreed to a postponement of this hearing until we could meet with them to go over their plans for the Van Dorn project. The inevitability of development on this parcel has been of concern to the neighborhood association for many years.

When we asked for a delay we had some major concerns. Some of them were satisfactorily addressed at last night's meeting. However, we do need to say that it is still our opinion that the "highest and best" use of this parcel would be as a wooded green space entrance to the city that would buffer the neighborhoods to the north from commercial encroachment and preserve the affordable housing that now exists (mostly in good condition) along 9th and 10th Streets as well as Van Dorn. As you enter this area and proceed east down Van Dorn, there is a drastic change in character from the highway. You are now in a residential neighborhood with all that that entails, including children at play, cars parked along the street, people doing things in their yards. As yet there are no signs of commercial development visible from Van Dorn Park until you reach 17th Street where there are a few neighborhood scaled, neighborhood compatible businesses and public services.

A further concern is with traffic, pedestrian and bicycle safety in this complicated and often confusing array of streets and signals. Residents have been witness to innumerable accidents, back-ups of traffic, people driving the wrong way down streets, near misses with vehicles, pedestrians and bicycles, etc. The huge "sems" that frequent these streets cause many problems. Adding "drive through" business to this already complex mix can only make things worse - especially for the folks who live on Hill Street where the entrance to the development is located.

All that being said, we were actually impressed with Speedway's proposal in terms of aesthetics, landscaping, burming, signage, lighting, choice of building material etc. We were also impressed with their willingness to continue to work with the neighbors and the neighborhood association. If commercial has to go it, this is a good plan in many ways. Our biggest concern now is with the "drive through" businesses proposed. We feel that these will cause problems and an erosion of quality of life for those residents on Hill Street and close by due to the extra traffic and the temptation for people to use the ally north of Hill Street as a roadway. Trash from food oriented businesses is also a problem. We feel that the area would be more suited to businesses such as offices that do not have such a high turn over and wouldn't involve trash generation.

We like the planting of trees, shrub and grasses on as burm along Van

Dorn as buffer. We would like to see, as a buffer, some kind of housing facing Hill Street or perhaps small businesses (facing south) with apartments above that, with proper design and landscaping could signal that this is the end of the commercial area.

Speedway has said repeatedly that they want to create a nice addition to our neighborhood and we certainly have a chance to do just that if we continue to work together. We appreciate that opportunity.

Respectfully,

Alene Swinehart, Issues Chair
Irvingdale Neighborhood Association



Alene Swinehart
<swinehart@alltel.net>
04/12/2006 10:22 AM

To plan@lincoln.ne.gov
cc
bcc
Subject Van Dorn development

Members of the commission-

Regarding change of zone request for the block bounded by 9th, 10th, Van Dorn and Hill streets we respectfully request consideration of the long-term view.

This intersection constitutes a junction of two highways and also serves as an entrance to our city. People who use this intersection are going somewhere, usually in a hurry; should this really be a destination for any amount of people?

Long ago traffic patterns were changed and many homes were removed to allow for traffic flow. Lots facing Van Dorn were zoned for commercial use, allowing a buffer between the busy street and the neighborhood. I believe the buffer was a cottage and a group of greenhouses. As the cottage fell into disrepair and the traffic increased the opportunity starts to glimmer. The houses come up for sale and get snatched up by the man with the plan. He leaves them to be inhabited by those who have no stake in his plan, or the plans of their neighbors, who plant gardens and raise children in their simple and affordable houses. The plan has been in motion for more than a decade, and it is to convert this piece of property by eroding the quality of life on this block. Where will the erosion end, and how does this fit into your long-range plans for this sector of the city?

This change of zone effectively pushes the buffer zone all the way to Hill Street, creating a dig into the residential area to the north and more detrimentally cuts off the area to the west even more that it is already. Is the long-range to line all of Highway 77 with commercial development? How wide will this sweep into the adjacent neighborhoods?

What is the plan for the isolated pockets of residential that are formed by these developments?

Certainly it makes sense to line major roads with commercial zoning, but I urge you to consider making this junction a greenspace buffer zone on its north and east boundaries and consider relocating commercial usage onto the south side which is already bounded by industrial use land. This might take some real negotiation, but I think it is worth exploring in the interest of responsible development. Excluding the location itself we would like to commend Speedway development on its design plan. They have been very considerate of traffic patterns, light spill, landscaping and the types of businesses they will consider locating in this area. If there must be commercial development on this property, we feel that they will be excellent commercial neighbors...we'd just rather have some families, or a park, thank you very much.

Respectfully,
Kitty Fynbu, President
Irvingdale Neighborhood Association



"Zemis Sedriks"
<zemiss@hotmail.com>
04/11/2006 10:57 PM

To plan@lincoln.ne.gov, council@lincoln.ne.gov
cc
bcc

Subject change of zone #06012

Dear Planning Commission and City Council,

I am writing to oppose change of zone # 06012 generally located at 9th and Van Dorn St. I live at 2643 S.10th Street and will be negatively impacted by this project. The Planning Staff Report conclusion is that this area is no longer suitable for residential purposes. To put it bluntly, this is a real slap in the face to my neighborhood. I would like to remind you that the people who live in this neighborhood do not need the increased traffic and congestion the rezoning/development creates. It will be my community that has to live with greater congestion/traffic, decreased safety and decreased property values. Many people in this area were able to afford these houses as their prices are already slightly depressed from location, i.e. being on a busy street. This plan does nothing but add to this existing problem in an area that is already highly prone to accidents and will decrease property value for my home and all of my neighbors. This plan allows business' right to make a profit to trump homeowners maintaining their equity. I have spoken with most of my neighbors regarding this issue and all are opposed to the plan.

Please refer to the guiding principles written in the Planning Staff Report. "More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas." According to the developer you are planning to allow fast food and a drive-thru coffee store. I don't see any plan to screen the neighborhood from these proposed businesses. The rationale used to declare this area unsuitable for residential purposes is the busy traffic. This plan shifts traffic patterns north a block by making Hill Street busy. The rationale used to justify the rezoning will simply apply to my block next.

I would greatly appreciate you going back to the drawing board and rethinking this plan. Please think about the people, the families in the area and how this will impact their lives, my life. An alternative development plan could include an apartment complex. This would allow the block to remain residential and will truly take my neighborhood into account. It would buffer us from encroaching commercial interests that are not wanted here. Thank you for your time concerning this matter.

Sincerely,

Zemis Sedriks
2643 S. 10th St.
Lincoln, NE 68502
(402)202-5289